

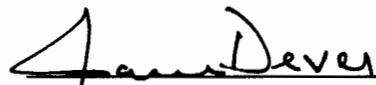
the allegations in the complaint to resolve the jurisdictional issue. See Richmond, 945 F.2d at 768; Bain, 697 F.2d at 1219. If the court determines that it lacks subject-matter jurisdiction, it must dismiss the complaint. See, e.g., Arbaugh v. Y & H Corp., 546 U.S. 500, 514 (2006).

Plaintiffs' pro se complaint alleges that defendant gave "misinformation to Risk Management Agency (RMA) concerning good farming practices." [D.E. 5] 2. As for subject-matter jurisdiction, the complaint states: "The Plaintiff(s) reside and farm in this district." Id.

The court has reviewed the complaint and the exhibits attached to plaintiffs' opposition to the motion to dismiss. See Richmond, 945 F.2d at 768; Bain, 697 F.2d at 1219. Plaintiffs have failed to establish federal question jurisdiction under 28 U.S.C. § 1331 or diversity jurisdiction under 28 U.S.C. § 1332. Accordingly, defendant's motion to dismiss under Rule 12(b)(1) is granted.

In sum, defendant's motion to dismiss under rule 12(b)(1) [D.E. 9] is GRANTED. Defendant's motion to strike [D.E. 18] is DENIED. Plaintiffs may seek to pursue their claims against Rain and Hail, LLC in state court.

SO ORDERED. This 3 day of April 2013.


JAMES C. DEVER III
Chief United States District Judge